

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A vehicle surroundings monitoring apparatus, comprising:
 - frontal information detecting means for detecting at least solid object information ahead of an own vehicle;
 - preceding vehicle recognizing means for recognizing a preceding vehicle traveling in front of the own vehicle based on the solid object information;
 - own vehicle traveling path estimating means for estimating a path ~~that is predicted of travel~~ for the own vehicle to travel on a road ahead of the own vehicle as a traveling path of the own vehicle;
 - first evacuation possibility judging means ~~for judging a relative that judges an~~ evacuation possibility for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to the position of the preceding vehicle and the position of the own vehicle;
 - second evacuation possibility judging means ~~for judging a relative that judges an~~ evacuation possibility for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to information of a solid object other than the preceding vehicle; and
 - preceding vehicle evacuation possibility judging means ~~for judging that judges a possibility of relative~~ evacuation for the preceding vehicle to evacuate from the state of being the preceding vehicle of the own vehicle according to the possibility of ~~relative~~ evacuation by the first evacuation possibility judging

means and the possibility of ~~relative~~ evacuation by the second evacuation possibility judging means.

2. (Previously Presented) The vehicle surroundings monitoring apparatus according to claim 1, wherein:
 - the frontal information detecting means detects road information ahead of the own vehicle in addition to the solid object information and comprises own vehicle traveling condition detecting means for detecting a traveling condition of the own vehicle, and
 - the own vehicle traveling path estimating means estimates an own vehicle traveling path based on the road information as a first own vehicle traveling path, estimates an own vehicle path based on the traveling condition of the own vehicle as a second own vehicle traveling path and estimates a new own vehicle traveling path based on the first own vehicle traveling path and the second own vehicle traveling path.
3. (Canceled)
4. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein the first evacuation possibility judging means judges the ~~relative~~ evacuation possibility according to a frontal distance of the preceding vehicle from the own vehicle and a separation of the preceding vehicle from the own vehicle traveling path.
5. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein the preceding vehicle evacuation possibility judging means judges that when the

preceding vehicle is farther than a preestablished distance, there is no possibility of ~~relative~~ evacuation of the preceding vehicle.

6. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 1, wherein:

the first evacuation possibility judging means provides a plurality of distance divisions ahead of the own vehicle, establishes evacuation possibility judging regions in predetermined left and right areas around the traveling path of the own vehicle at the respective distance divisions, judges that the evacuation possibility is ~~high greater~~ when the preceding vehicle is in the evacuation possibility judging regions and expresses that the evacuation possibility is ~~high greater~~ as a specified numerical value, and

the preceding vehicle evacuation possibility judging means judges that there is a possibility of ~~relative~~ evacuation of the preceding vehicle when ~~the a sum of~~ the numerical values expressing that the evacuation possibility is ~~high~~ exceeds a predetermined threshold value.

7. (Previously Presented) The vehicle surroundings monitoring apparatus according to claim 6, wherein the distance divisions provided by the first evacuation possibility judging means comprise a first division near the own vehicle, a second division in front of the first division and a third division in front of the second division.

8. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 6, wherein:

when the preceding vehicle is in a preestablished region in the

vicinity of the traveling path of the own vehicle, the first evacuation possibility judging means clears the sum of the numerical values expressing that the evacuation possibility is high, as judged by the preceding vehicle evacuation possibility judging means, and

when the preceding vehicle is invisible not judged to be in the preestablished region in the vicinity of the traveling path of the own vehicle and in the respective evacuation possibility judging regions, the first evacuation possibility judging means judges that the possibility of relative evacuation of the preceding vehicle is low less, and in response reduces the sum of the numerical values expressing that the evacuation possibility is high, as judged by the preceding vehicle evacuation possibility judging means, to a predetermined value that expresses the evacuation possibility.

9. (Currently Amended) The vehicle surroundings monitoring apparatus according to claim 6, wherein when a solid object, moving forward substantially in the same direction as the own vehicle and different from the preceding vehicle, exists in a traveling region of the own vehicle in the vicinity of the preceding vehicle, the second evacuation possibility judging means judges that the evacuation possibility is high greater and expresses the evacuation possibility as a specified numerical value, and adds the numerical value to the sum of the numerical values expressing that the evacuation possibility is high greater, as judged by the preceding vehicle evacuation possibility judging means.
10. (Currently Amended) The A traveling control system for controlling a traveling of an own vehicle, wherein:

the own vehicle is provided with the vehicle surroundings monitoring apparatus according to claim 1, and information of an evacuation possibility of a the preceding vehicle by the vehicle surroundings monitoring apparatus is information of the preceding vehicle.